

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

| | |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| Date of mailing (day/month/year) 21 February 2001 (21.02.01) | |
| International application No. PCT/AU00/00730 | Applicant's or agent's file reference 2169588:PJT |
| International filing date (day/month/year) 28 June 2000 (28.06.00) | Priority date (day/month/year) 28 June 1999 (28.06.99) |
| Applicant HILSON, Daniel, Andrew | |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

25 January 2001 (25.01.01)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

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Authorized officer

Claudio Borton

Telephone No.: (41-22) 338.83.38

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU00/00730

| A. CLASSIFICATION OF SUBJECT MATTER | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Int. Cl. ⁷ : G06F 17/60 | | | | |
| According to International Patent Classification (IPC) or to both national classification and IPC | | | | |
| B. FIELDS SEARCHED | | | | |
| Minimum documentation searched (classification system followed by classification symbols) IPC: AS ABOVE | | | | |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched | | | | |
| Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WPAT (commerce, EFTPOS, database) | | | | |
| C. DOCUMENTS CONSIDERED TO BE RELEVANT | | | | |
| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. | | |
| X | WO 99/08218 (Trivnet Ltd.) 18 February 1999 - Whole document | 1-5 | | |
| X | WO 95/31789 (Visa International Service Association) 23 November 1995 Abstract, figures | 1-5, 11, 17 | | |
| Y | WO 99/28830 (Korman) 10 June 1999 Whole document | 1-5 | | |
| <input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex | | | | |
| <p>* Special categories of cited documents:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </td> <td style="vertical-align: top;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p> </td> </tr> </table> | | | <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> | <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p> |
| <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> | <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p> | | | |
| Date of the actual completion of the international search 19 October 2000 | | Date of mailing of the international search report 25 OCT 2000 | | |
| Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929 | | Authorized officer DALE E. SIVER Telephone No : (02) 6283 2196 | | |

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU00/00730

| C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|-------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------|
| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| Y | WO 97/49072 (Verifone Inc.) 24 December 1997. Whole document | 1-6,8,9,13-16 |
| Y | WO 97/09816 (Wireless Transactions Corp.) 13 March 1997 Abstract, figures | 1-5,9,10 |

International application No.
PCT/AU00/00730

Patent Document Cited in Search Report

| | | | | | | | |
|----|----------|----|----------|----|---------|----|------------|
| WO | 99/08218 | AU | 86442/98 | EP | 1031106 | NO | 20000563 |
| | | US | 5899980 | | | | |
| WO | 95/31789 | AU | 25459/95 | CA | 2190154 | US | 5500513 |
| | | US | 5621201 | | | | |
| WO | 99/28830 | AU | 16189/99 | EP | 1038233 | | |
| WO | 97/49072 | AU | 33993/97 | US | 5943424 | | |
| WO | 97/09816 | AU | 71064/96 | EP | 848881 | JP | 2000500299 |
| | | US | 5852773 | | | | |

END OF ANNEX

14

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 31 OCT 2001
WIPO PCT

| | | |
|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Applicant's or agent's file reference 2169588:PJ | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International Application No. PCT/AU00/00730 | International Filing Date (<i>day/month/year</i>) 28 June 2000 | Priority Date (<i>day/month/year</i>) 28 June 1999 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G06F 17/60 | | |
| Applicant INDUSTRY WIDE NETWORKS PTY LTD et al | | |

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|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------|----|--------------------------|----------|-----|--------------------------|--------------------------------------------------------------------------------------------------|----|--------------------------|----------------------------|---|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------|-------------------------|-----|-------------------------------------|--------------------------------------------------|------|--------------------------|-------------------------------------------------------|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | This REPORT consists of a total of 5 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s). | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | This report contains indications relating to the following items: <table style="width: 100%; border: none;"><tr><td style="width: 5%;">I</td><td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td><td>Basis of the report</td></tr><tr><td>II</td><td style="text-align: center;"><input type="checkbox"/></td><td>Priority</td></tr><tr><td>III</td><td style="text-align: center;"><input type="checkbox"/></td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>IV</td><td style="text-align: center;"><input type="checkbox"/></td><td>Lack of unity of invention</td></tr><tr><td>V</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td>VI</td><td style="text-align: center;"><input type="checkbox"/></td><td>Certain documents cited</td></tr><tr><td>VII</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Certain defects in the international application</td></tr><tr><td>VIII</td><td style="text-align: center;"><input type="checkbox"/></td><td>Certain observations on the international application</td></tr></table> | I | <input checked="" type="checkbox"/> | Basis of the report | II | <input type="checkbox"/> | Priority | III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | IV | <input type="checkbox"/> | Lack of unity of invention | V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | VI | <input type="checkbox"/> | Certain documents cited | VII | <input checked="" type="checkbox"/> | Certain defects in the international application | VIII | <input type="checkbox"/> | Certain observations on the international application |
| I | <input checked="" type="checkbox"/> | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| II | <input type="checkbox"/> | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| IV | <input type="checkbox"/> | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| VI | <input type="checkbox"/> | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| VII | <input checked="" type="checkbox"/> | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| VIII | <input type="checkbox"/> | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Date of submission of the demand 25 January 2001 | Date of completion of the report 22 October 2001 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer J.W. THOMSON Telephone No. (02) 6283 2214 |

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed.☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of☐ the sequence listing part of the description:pages , as originally filed
pages , filed with the demand
pages , received on with the letter of**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished**4. ☐ The amendments have resulted in the cancellation of:**☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig.**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-----------------------|-----|
| Novelty (N) | Claims 6-10,12-16 | YES |
| | Claims 1-5,11,17-20 | NO |
| Inventive step (IS) | Claims 7,12,18-20 | YES |
| | Claims 1-6,8-11,13-17 | NO |
| Industrial applicability (IA) | Claims 1 - 20 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

- D1 WO 99/08218 (Trivnet) 18 February 1999
D2 WO 95/31789 (Visa) 23 November 1995
D3 WO 99/28830 (Korman) 10 June 1999
D4 WO 97/49072 (Verifone) 24 December 1997
D5 WO 97/09816 (Wireless Transactions) 13 March 1997

Novelty

The closest prior art located in the search was D2, which discloses an automated purchasing system. The purchasing system includes a database containing information tables for the following; end-user, purchasing, vendor and accounting. There is a hierarchical system for the company, broken down into levels such as division, department, and various cardholder accounts. The system of D2 can be customised for a particular business customer, to handle requests from remote point-of-sale terminals. Vendors and other service providers respond to the requests issued by the POS terminals. The network is linked (for example) using VISANET as a medium of communications. Claims 1-5,11,17 lack novelty in light of D2.

D1 provides retail POS support for linking customers, service providers, transaction servers and POS computers, via the internet. The method of D1 is based on using a customer account linked to the service provider (ie. ISP). Customers have remote access to vendors and can perform commercial transactions over the network. Claims 1-5 lack novelty in light of D1. There is no disclosure of updating a clients web page in D1 or D2, hence claim 6 is novel. Other features of the succeeding claims are not explicitly disclosed resulting in the above list of claims that are novel in light of the documents D1 to D5.

Inventive Step

D3 discloses a super-ATM, which is considered to be a POS terminal, and is linked to; inter alia, credit card service providers and vendors. The super-ATM can handle transactions between a number of businesses (eg. airline tickets, movie tickets). The super-ATM issues requests to service providers (for example by email or other messaging systems) which are handled by the providers. The differences between D3 and claims 1-5 do not involve an inventive step; such differences amounting to common general knowledge amongst those skilled in the art of e-commerce at your priority date.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 18 to 20 do not comply with PCT Rule 6.2 (a).

Supplemental B x

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V

D4 discloses an architecture for e-commerce transaction processing. The payment gateway of D4 operates over the internet, and links merchants, customers and a number of business. The payment gateway acts a service provider in the sense (of claim 1) because it handles requests from the customer computers, and is linked to the central database. D4 discloses virtual POS payment methods (in a way analogous to real POS terminals). Vendors would use the vPOS terminals in much the same way as they use current EFTPOS terminals (eg. to initiate a payment transaction). See pages 25-26 for the vPOS feature in D4. The features of claims 1-5, would be obvious from the combination of D1 or D2 with D4. Furthermore, features such as;

- a) Claim 6, updating a clients web page (see page 72, line 30 to page 73, line 13, page 41, lines 3-18)
- b) Claim 8, XML or the like (preferred messages are HTML and use MIME formatting, which is like XML) see Fig. 18B, 18D, 18E and page 9, line 32 to page 10, line 16.
- c) Claim 13, SDK and API (see Figures 15A, 16, 25, page 63, lines 23-26)
- d) Claim 14, see many references to execution of SQL on the vGATE (or payment gateway) Figures 1c, 20x, 21, 24, 26 and page 75, lines 15-19, page 82, lines 32-34

reading the description as a whole, it is implied that batch processing, offline processing and so forth are supported, which a PSA would know is indicative of workflow steps.

- e) Claim 15 figures 29, 38, 44 discloses a form (or template)
- f) Claim 16 see page 90, lines 25 to page 91 line 19, in relation to Fig. 26

Claims 6, 8, 13, 14, 15, 16 lack an inventive step in light of D4, when combined with either D1 or D2

D5 discloses a form of wireless transaction processing via the PSTN. The business transaction processing network of D5 teaches a mobile data entry device, mobile phone or the like, so that the features of claims 9, 10 would be obvious additions to any one of the e-commerce systems from D1, D2 or D4. The combination of these documents would be obvious, and under PCT rules, claims 9 and 10 fail to satisfy inventive step requirements.